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SUBJECT: EUROPEAN ASYLUM SUPPORT OFFICE NEARING FINAL
APPROVAL

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¶1. SUMMARY: The European Asylum Support Office (EASO), first envisioned in 2007, is nearing final approval. The Commission had hoped to have the office established before the end of 2009, but disagreements over the office's location and the European Parliament's role in selecting the agency's head have pushed it into early 2010. The Parliament and Council have now reconciled their differences, however, and the agency should be approved by both bodies in the next few months. The creation of the EASO will give the U.S. Government an excellent focal point for asylum issues in the EU. In addition, given how the responsibilities of such an agency can change over time in the EU bureaucracy, it is certainly possible the EASO will gain new powers over the years, and be the beginning of a more uniform EU asylum policy. END SUMMARY

¶2. When the Commission asked in June 2007 for input on creating a European asylum office, it received 89 contributions from various entities, including 20 member states, regional and local authorities, the Committee of the Regions, the European Economic and Social Committee, UNHCR, academics, political parties and many non-governmental organizations. These responses showed there is strong backing for both an asylum support office and better coordination within the EU on asylum issues.

¶3. In February 2009, the Commission presented the Council and the European Parliament a proposal for the office. Consensus formed quickly on the office's mandate: supporting practical cooperation on asylum; supporting member states under particular pressure; and contributing to the implementation of the Common European Asylum System. The EASO will be set up as an independent European Union agency, not part of the Council or Commission. It will not have decision-making powers, but will support activities that encourage practical cooperation on asylum, such as recommendations, referrals to scientific authority, networking and pooling of good practice, and evaluation of the implementation of asylum rules.

¶4. The EASO will work with member states to coordinate policies, and will be a conduit for information on immigration trends, and policies in the EU. The office will be available to provide support to member states struggling with asylum claims by providing information, offering support teams, and employing experts to help member states deal with a deluge of asylum claims. The EASO will also provide training and information on the best practices throughout the EU.

¶5. An intriguing aspect of the agency is its coordination with UNHCR and civil society. The original EASO plan gave UNHCR a vote, but the final version to emerge from negotiations did not. However, UNHCR still has a seat on the board, and will be fully informed of the work of the office. In addition, to help insure the EASO is in touch with the situation on the ground, and not just following the

directives of Brussels or the member states, the office will have a Consultative Forum made up of NGOs and civil society institutions operating in the field of asylum policy at national, European and the international level. The Forum will help exchange information with the agency and the people who are actually working with the asylees and asylum seekers, and help provide feedback from the field. The legislation specifies that the forum should meet twice a year.

¶6. The final plan for the office was weaker than some legislators had hoped for. The EASO will not be a decision making body and will only be able to offer support when requested. Some members of Parliament wanted the office to be able to create binding proposals for burden sharing and asylum policies. The member states, however, are not ready to grant Brussels the power to make immigration policy for them. With the idea of a true implementing authority off the table, Parliament was supportive of the office acting as a conduit to help bring member state asylum policies into conformity with EU guidelines.

¶7. Parliament pushed to have full veto power over selection of the director of the EASO, but eventually agreed to a compromise granting it power to interview the candidate, and adopt an opinion on the candidate before the Management Board makes its final decision on the director. With that, the Council and Parliament have now reached an informal agreement on the final details of the office (other than its location) and expect it to be adopted at the November 30 Justice and Home Affairs (JHA) Council. The Committee on Civil Liberties, Justice and Home Affairs (LIBE Committee) is expected to approve the EASO on either December 1 or 2. The Parliament as a whole will then vote on the proposal, but due to the legislative calendar, it will not likely land on the docket until January or February of 2010. It is expected to

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pass easily.

¶8. COMMENT: Even though the final product is not as strong as some Parliamentarians had hoped, it is a solid beginning and will offer the U.S. a new focus for its discussion on asylum issues with the EU. The only key detail yet to be settled is where the office will be located, although it appears Malta currently has the lead in this race. END COMMENT

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